

Title 15: Mississippi State Department of Health

Part 9: Office of Health Policy and Planning

Subpart 96: MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER GUIDELINES

Chapter 1. MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER PROGRAM GUIDELINES

Rule 1.1.9. The review cycle begins upon MSDH receipt of the Site Predetermination Application and must be concluded within 180 days.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.12. J-1 Visa Waiver physicians must practice at sites physically located in a currently designated federal Health Professional Shortage Area (HPSA) or at a site currently providing services to residents of a currently designated HPSA.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 2. GENERAL GUIDELINES:

Rule 1.2.1. The State of Mississippi is prepared to request through the Program waivers for physicians holding J-1 Visas for the purpose of waiving the two-year foreign residence requirement. All conditions of the following Mississippi Conrad State 30 J-1 Visa Waiver Guidelines must be met. Employers are encouraged to impose additional provisions in order to assure that the delivery of care is consistent with their facility's policies.

1. Physicians who have completed a U.S. residency training program in family practice, general practice, general internal medicine, general pediatrics, and obstetrics/gynecology are considered primary care physicians and are eligible to participate in Mississippi's "Conrad State 30" J-1 Visa Waiver Program. Psychiatrists may also be considered for the program. Physicians with other specialties are not considered to be primary care physicians for the purpose of the Program.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.2. All requests must at a minimum, include the following:

1. Information describing the public benefit of approval of the placement.

2. Attestation that site provides health care services to Medicare and Medicaid-eligible patients, indigent patients, and uninsured patients. And, the percentage of Medicaid, Medicare, indigent, and uninsured patients served by site.
3. Proof that practice site is located in a HPSA or the documentation required to prove the practice is serving patients from a nearby HPSA.
4. Evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least three (3) months. The recruitment effort must have occurred prior to submission of the Site Predetermination Application.
5. Information about the home government “No Objection” requirement.
6. A copy of notarized, dated, executed tentative employment contract indicating three (3) year full-time (40 hours per week) employment with the sponsoring medical facility.
7. Information about the applying physician.
8. Attestation that the physician will start employment within 90 days of receiving the waiver.
9. Attestation to submit the MSDH Annual J-1 Visa Waiver Physician Employment Verification Form.
10. The required documentation for specialist applicants.
11. A HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.3. [RESERVED]

Rule 1.2.7. The facility must have a schedule of discounts or an adopted sliding fee scale. Charges must be discounted for persons at or below 200 percent of poverty level. If the person is unable to pay the charge, such person shall be charged at a reduced rate in accordance with an adopted and utilized policy or not charged at all.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.11 [RESERVED]

Rule 1.2.15. [RESERVED]

Rule 1.2.16. The Site Predetermination Application must include a HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.17. [RESERVED]

Rule 1.2.19. Facilities not located in a HPSA must have at least 30% of their patients from the nearby HPSA(s) qualifying the application. The facility must submit in the Site Predetermination Application the facility's patient origin data (by county) for the previous calendar year.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.21. [RESERVED]

Subchapter 3. EMPLOYMENT CONTRACT:

Rule 1.3.8. For the statutorily required there can be no changes to the contract that would result in the J-1 physician leaving the agreed-upon site and treating the patients

he/she has agreed to treat in the manner agreed upon, unless the physician has petitioned the United States Citizen and Immigration Services.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 4. RECRUITMENT:

Rule 1.4.1. The medical facility must provide evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least three (3) months. The recruitment effort must have occurred prior to submission of the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.2. Recruitment information must state the position available and the practice site location. Ads must contain date information that can be used to verify at least three (3) months of recruitment effort and regional and national reach.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.4. Documentation of recruitment efforts may include:

1. Copies of the regional and/or national print advertising ads (copies of ads must show publication date).
2. On line ads (ads must show the date the ad was on line).
3. Copies of certified letters to medical schools.
4. Other forms of recruitment documentation will be reviewed to determine if information for the specific position requested in the Mississippi Conrad State 30 J-1 Visa Waiver Application is clearly identified and to determine if sufficient date information is available to verify three (3) months of recruitment effort.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.5. [RESERVED]

Rule 1.4.6. The sponsoring health care facility is required to publish a legal notice in their local newspaper of general circulation in accordance with the following format in Rule 1.4.7. through Rule 1.4.9. The Proof of Publication of this notice must be submitted with the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.8. Letters of support or opposition may be sent to the Director, Office of Rural Health and Primary Care, Mississippi State Department of Health, P.O. Box 1700, Jackson, MS 39215-1700. Any interested party has 21 calendar days from the date of this publication- to submit letters.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.9. Copies of letters may be obtained from the Office of Rural Health and Primary Care at the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 5. PROHIBITIONS:

Rule 1.5.1. MSDH will not consider recommendations when the provisions of Subchapter 2 have not been met and under the following circumstances:

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 6. TRANSFERS:

Rule 1.6.1. The J-1 Visa waiver physician must remain in employment for a total of not less than three (3) years, at the site(s) listed in the Mississippi Conrad State 30 J-1 Visa Waiver Application and for which the waiver is approved, unless the physician petitions the United States Citizen and Immigration Services for early termination of the 3-year period because the practice site closes or due to extenuating circumstances.

11. The J-1 Visa Waiver physician must notify the MSDH in writing as soon as possible of their intent to petition the United States Citizen and Immigration Services for early termination of the 3-year period because the practice site closes or due to extenuating circumstances.

12. To work at another facility the J-1 Visa Waiver physician must amend or file a new H-1B petition with the United States Citizen and Immigration Services.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.2. [RESERVED]

Rule 1.6.3. [RESERVED]

Rule 1.6.4. The J-1 physician retains sole responsibility for notifying their current employer of the intent to petition the United States Citizen and Immigration Services for early termination of the 3-year period, and payment of any financial penalty caused by a breach of contract.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.5. [RESERVED]

Rule 1.6.6. [RESERVED]

**Subchapter 7. FOREIGN PHYSICIANS RELEASED DUE TO TERMINATION,
MUTUAL RELEASE, OR DEATH:**

Rule 1.7.4. J-1 Visa Waiver physicians who are released from the sponsoring medical facility prior to the completion of the federally required three (3) year full-time service obligation must amend or file a new H-1B petition with the United States Citizen and Immigration Services to complete the service obligation at another facility. The J-1 Visa Waiver physician must notify the MSDH that he/she is petitioning.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 8. NATIONAL INTEREST WAIVER (NIW) SUPPORT LETTERS:

Rule 1.8.1. Please refer to the Mississippi State Department of Health National Interest Waiver Guidelines for the requirements for consideration of a support letter for a NIW application.